



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,918	08/16/2001	Gary S. Foster	01985-P0040B	2566
24126	7590	12/05/2005	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			FELTEN, DANIEL S	
986 BEDFORD STREET			ART UNIT	
STAMFORD, CT 06905-5619			PAPER NUMBER	
			3624	
DATE MAILED: 12/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/930,918	Applicant(s) GARY S FOSTER ET AL	
	Examiner Daniel S. Felten	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of claims

1. Receipt of the applicants response to the information request has been received and is acknowledged. Claims 1-33 remain pending in the application.

Response to Arguments

2. Applicant's arguments filed April 22, 2005 have been fully considered but they are not persuasive. It is respectfully submitted that references, in determining obviousness are not read in isolation but for what they fairly teach. In this case it was shown that the primary reference Hawkins discloses a system for facilitating the processing and management of securities trade having a computer (see col. 4, ll. 40-44 and 65+), trade execution information, trade allocation information and a database of trading party profiles. The secondary reference discloses an account settlement utilization network of a plurality of enrichment databases having enrichment data stored thereon (see Cornelius, Abstract; col. 3, ll. 31-54; col. 11, ll. 29-54; and col. 27, ll. 30-63). The 34 USC 103(a) rejection set forth provided reasoning to resolve the level of ordinary skill in the art. In response to applicant's piecemeal analysis of the references, the examiner respectfully submits that one can not show non-obviousness by attacking references individually where, as here, the rejections are based on combination of references. Thus the office action dated January 19, 2005 is presented identically in this office action.

Art Unit: 3624

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Hawkins et al (US 5,497, 317) in view of Cornelius et al (US 6,629,081).

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. Hawkins discloses, at least as in claims 1, 12, 18, and 22, a system for facilitating the processing

and management of a securities trade having a computer (12, 14, 16) (see col. 4, 11. 40-44 and

65+), trade execution information received by said computer, said trade execution information indicative of an executed trade by a first trading party, and comprising a first trading party identification (see col. 7, 11. 4- trade allocation information received by said computer, said trade allocation information indicative of an ordered trade by a second trading party, and comprising a second trading party identification (see col. 7, 11. 33+), a database of trading party profiles accessible by said computer (see col. 4, 11. 45+), software executing on said computer for retrieving from said database a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification (see col. 4, 11. 45+). Hawkins fails to disclose a plurality of enrichment databases having enrichment data stored thereon, and software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile.

Cornelius discloses an account settlement utilization network a plurality of enrichment databases having enrichment data stored thereon, and software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party, trade allocation information received by said computer, said trade allocation information indicative of an ordered trade by a second trading party, and comprising a second trading party identification (see col. 7, 11. 33+), a database of trading party profiles accessible by said computer (see col. 4, 11. 45+), software executing on said computer for retrieving from said database a first trading party profile based on the first trading party identification and a second trading party profile based on the second trading party identification (see col. 4, 11. 45+).

Hawkins fails to disclose a plurality of enrichment databases having enrichment data stored thereon, and software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile. Cornelius discloses an account settlement utilization network a plurality of enrichment databases having enrichment data stored thereon, and software executing on said computer for enriching said trade execution information with enrichment data retrieved from said plurality of enrichment databases in accordance with the enrichment options of the first trading party profile and for enriching said trade allocation information with enrichment data retrieved

Art Unit: 3624

from said plurality of enrichment databases in accordance with the enrichment options of the second trading party profile (see Cornelius, Abstract; col. 3, ll. 31-54, col. 11, ll. 29-54, col. 27, ll. 30-63). Would have been obvious for an artisan of ordinary skill in the art to provide information to enrich trade information of Hawkins (as cited above and taught in Cornelius) because an artisan at the time of the invention would have contemplated using additional information to make more informed trading choices and develop a stronger understanding what the value is of the securities are being traded and with whom. Thus such a modification would reduce the amount of wrongly submitted trades, improve efficiency of trade execution and thus speed up the settlement of trades with Hawkins.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel S Felten
Examiner
Art Unit 3624

DSF
November 25, 2005

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

